

## Office of Land and Emergency Management

Communications Plan: National Priorities List — Proposed and Final Rulemakings, September 2016

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### DESCRIPTION OF ISSUE

EPA will add 10 sites and propose to add eight sites to the National Priorities List (NPL). Bonita Peak Mining District is one of the 10 sites EPA is adding to the NPL.

### CONTACTS

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### TARGETED AUDIENCES AND ANTICIPATED REACTION

- **States, tribes and Congress** will recognize that EPA is addressing their concerns regarding known or threatened releases of hazardous substances, pollutants and contaminants.
- **Communities near the sites** will generally support the rules if they perceive that listing will accelerate remediation efforts. Other citizens may not support the listing because of perceived devaluation of their property values.
- **Potentially Responsible Parties** will be concerned about the costs of cleanup and the stigma of being identified with Superfund.

### MESSENGERS

- Office of Land & Emergency Management
- Office of Public Affairs
- Regional public affairs offices

### KEY MESSAGES

- EPA adds sites to the Superfund National Priorities List (NPL) when mismanagement of contamination threatens public health and the environment. The sites on the NPL pose the highest risk to the environment and public health.
- Consistent with its statutory obligation, EPA is adding 10 and proposing to add eight sites to the NPL:
  - **Former operations of added sites:** three manufacturers (1942-2008; 1978-2007; 1899-1989), two hard-rock mining sites (1850s-1942; 1870s-1991), one aluminum smelter (1955-2009), one barge cleaning and repair site (1965-

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1999), and one area with miscellaneous industrial operations (1820's-2000s). Two additional sites are being added to the NPL due to groundwater contamination.

- **Former operations of proposed sites:** one manufacturer (1967-1987), one wood treatment (1948-1990) facility, one copper mine, one battery recycler (1994-c. 2010), and one dry cleaner (1950s-c. 1995). Two additional sites are being added to the NPL due to groundwater contamination. One additional site is a manufacturer that is still operating (1999-present).
- Superfund cleanups benefit:
  - **Public health:** Uncontrolled releases of hazardous substances can threaten the health of entire communities. Superfund cleans up or isolates the hazardous substances, keeping them away from people and the environment.
    - **Decrease in birth defects:** A 2011 study published in *American Economic Review* found that Superfund cleanups decreased the amount of birth defects in nearby communities by 20-25 percent.
    - **Decrease in blood lead levels:** High blood lead levels in children are associated with diminished cognition and other adverse effects. Prior to EPA's Superfund cleanup of the RSR Smelter site in Dallas, 90 percent of the children tested near the site had blood lead levels that exceeded the level of concern. After cleanup, only 8 percent exceeded that level.
  - **The environment:** Superfund cleanups improve soil health and support diverse vegetation. They sequester carbon and protect air and water quality. And they set the stage for wildlife habitat and recreation.
    - **Bunker Hill Mining and Metallurgical Site in Kellogg, Idaho:** A grassy riparian floodway created along a 1½-mile stretch of river is now home to frogs, deer, and birds. A 1,000-acre hillside was revegetated, which reduces sediment entering surface waters and provides habitat for elk and other native species. Native grasses were also planted in a 27-acre wetland, and waterfowl and otters are coming back.
    - **Silver Bow Creek/Warm Spring Ponds in Butte, Montana:** Remediated and restored wetland and riparian areas provide habitat for more than 230 species, including waterfowl, birds of prey, trout and terrestrial wildlife. The community also uses the site for low-impact recreational activities, such as catch-and-release fishing and hiking.

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- **Army Creek Landfill, in New Castle County, Delaware:** Grains, wildflowers, and other carefully selected vegetation were planted to attract migratory birds for resting, nesting and feeding. High-quality wetlands that had become contaminated were restored.
- **Communities:** Many sites – often vacant, underused areas – become valuable local assets. Cleanups deter blight, vandalism and trespassing, and pave the way for the following benefits:
  - **Job creation and broadened tax bases:** Cleanups increase tax revenue and create jobs during and after cleanup. EPA reviewed 454 Superfund sites supporting use or reuse activities. It found at the end of fiscal year 2015 that these sites had approximately 3,900 businesses with annual sales of more than \$29 billion. These businesses employed over 108,000 people who earned a combined income of \$7.8 billion.
  - **Property value increases:** A study by researchers at Duke University and the University of Pittsburgh found that deletion of a site from the NPL after cleanup raises the value of owner-occupied housing within three miles by 18.6 - 24.5 percent.
- EPA and its partners continue to discover new sites qualifying for addition to the NPL, as contamination found on some sites is from recent activities. For example, Eldorado Chemical, one of the sites being added to the NPL, ceased operation in 2007.
- At other sites, legacy contamination has come to light due to factors such as population growth, sprawl and contaminant migration.
- Superfund operates under the polluter-pays principle — EPA forces potentially responsible parties to clean up these sites at their own expense. When a potentially responsible party refuses, EPA will lead cleanup and sue to recover costs. If EPA cannot find a potentially responsible party, it will lead cleanup and pay costs from appropriated funds. The Administration has proposed a dedicated tax to pay for these taxpayer-funded cleanups.
- EPA will investigate the full extent of the contamination before starting cleanup activities at the sites.
- States and communities have big roles in Superfund.
  - **States** propose sites to EPA for inclusion in the NPL, and EPA coordinates closely with them on proposed site listings.

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- EPA's goal is to work with **community partners** at every site. EPA seeks to establish a process to explore a site's future uses with the community before the cleanup remedy's selection. This approach gives EPA the best chance of ensuring remedies are consistent with a site's likely future use.

Potential Sites for September 2016 **Final Rule**:

Site Name	City/County	State	Site Type	Years of operation	Primary media contaminated
Argonaut Mine	Jackson	Calif.	Hard-rock mining area	1850s-1942	Soil
Bonita Peak Mining District	San Juan County	Colo.	Hard-rock mining area	1870s-1991	Surface water
West Vermont Drinking Water Contamination	Indianapolis	Ind.	Groundwater contamination	unknown	Groundwater
SBA Shipyard	Jennings	La.	Barge cleaning and repair	1965-1999	Soil, sediment and groundwater
Anaconda Aluminum Co. Columbia Falls Reduction Plant	Columbia Falls	Mont.	Aluminum smelter	1955-2009	Groundwater, sediment and surface water
Wappinger Creek	Dutchess County	N.Y.	Various industrial operations	1820's-2000s	Surface water and sediment
Valley Pike VOCs	Riverside	Ohio	Tire and truck molding manufacturing	1942-2008	Groundwater, soil and vapor intrusion
Dorado Ground Water Contamination	Dorado	P.R.	Groundwater contamination	unknown	Groundwater
Eldorado Chemical Co., Inc.	Live Oak	Texas	Cleaning products manufacturing	1978-2007	Groundwater
North 25 <sup>th</sup> Street Glass and Zinc	Clarksburg	W.Va.	Glass and zinc manufacturing	1899-1989	Soil, sediment and groundwater

Potential Sites for September 2016 **Proposed Rule**:

Site Name	City/County	State	Site Type	Years of Operation	Primary Media Contaminated
Post and Lumber Preserving Co. Inc.	Quincy	Fla.	Wood treatment facility	1948-1990	Soil, sediments and ground water
Microfab Inc (Former)	Amesbury	Mass.	Metals manufacturing and electroplating	1967-1987	Ground water and surface water
Old HWY 275 and N 288 <sup>th</sup> Street	Valley	Neb.	Groundwater contamination	unknown	Groundwater
Anaconda Copper Mine	Yerington	Nev.	Copper mine	1918-2000	Groundwater
Saint-Gobain Performance Plastics	Village of Hoosick Falls	N.Y.	Tape, foam and plastics manufacturing	1999-present	Groundwater
The Battery Recycling Company	Bo. Cambalache	P.R.	Battery recycling	1994-c. 2010	Soil
Former Custom Cleaners	Memphis	Tenn.	Dry cleaning	1950s-c. 1995	Groundwater

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Highway 18 Ground Water	Kermit	Texas Groundwater contamination	unknown	Groundwater
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## RECOMMENDED PRODUCTS AND ACTIVITIES

- Press release
- Interview with Denver Post and Durango Herald
- Social media strategy
- Validator strategy
- Internal Q&As
- Talking points
- Amplification by state partners
- Web content
- Email notification to key stakeholders and Congress
- Blog post
- Outreach:
  - Provide information to Congress, states and tribes, the public, and federal agencies in a timely manner.
  - Two days before the Federal Register notice publication:
    - Email information about the relevant sites to senators and members of Congress for states and districts in which the sites are located.
    - Issue press release.
  - OLEM/OSRTI will announce the proposed and final rules on the Superfund home page of the website.
  - Regional offices will have a communication plan for contacting their states, affected communities, and local media.

## BACKGROUND

- The Comprehensive Environmental Response, Compensation, and Liability Act requires that the National Oil and Hazardous Substances Pollution Contingency Plan include a list of national priorities with known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The NPL constitutes this list. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation.
- Regarding Bonita Peak Mining District, there were few true opposition comments. Most offered suggestions or comments, and were not strictly opposed to listing.
- Bonita Peak Mining District is comprised of 35 mines, seven mine tunnels, four tailings areas, and two study areas where additional characterization is needed to fully understand which sources are contributing most to contamination and therefore require cleanup.
- There is a statutory requirement that the NPL be updated annually.

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- The purpose of the NPL is to identify and list those sites that pose the highest risk to the environment and public health.
- A site's listing neither imposes a financial obligation on EPA nor assigns liability to any party. Updates to the NPL do, however, provide policymakers with a list of high-priority sites, serving to identify the size and nature of the nation's cleanup challenges
- All these sites may require a federal response due to the high risk to human health and the environment.

## TIMELINE

When	Who will Notify	Materials	Whom to Notify
Day of AA signature	Site Assessment and Remedy Decisions Branch	Background materials and press release	Regional NPL Coordinators
Day of AA signature	Site Assessment and Remedy Decisions Branch	List of sites and site summaries	Designated Agency contacts
Day of AA signature	Community Involvement and Program Initiatives Branch	Background materials and press release	Community Relations Coordinator
Day of AA signature	Regional NPL Coordinators	Background materials and press release	Regional OPA
Immediately after signature	OSRTI Communication Coordinator	Confirm Website address with prepublication rule	OLEM and OPA
2 business days prior to FR publication, morning	Regional OPA	Press release	State and local governments
2 business days prior to FR publication, morning	HQ and Regional OCIR	Letters and site summaries	Congressional staff
2 days business days prior to FR publication, after congressional notification	Regional OPA	Regional press release and regional web page	Regional Press
2 business days prior to FR publication, morning	OSRTI	Publish Federal Register prepublication notice, site summaries and public information documents published on web	General public
2 business days prior to FR publication, afternoon	OLEM	Publish OLEM AA blog and tweet	General public
2 business days prior to FR publication, afternoon	HQ OPA	HQ press release, web page published, notification of press interview to GKM reporters to be held that day.	GKM reporters, general press

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EPA Region 8 Timeline:

Date	Activity	Person(s) Responsible	Notes/Follow-up
8/22-26/16	Contact local officials and stakeholders regarding expected timeline *	Team	See ComStrat for Site Visit
9/1/16	Complete press release	Cynthia Peterson/Laura Jenkins/Rich Mylott, coordinated with CDPHE and OPA	
NLT 9/XX/16	FR Rule signed by OLEM AA	HQ	
9/6/16	RTC and revised docket assembled as a special collection in SEMS	Richard Sisk, Bill Cooper,	
9/6/16	Web page with link to Special Collection prepared.	Bill Cooper,	Also coordinate with OSRTI Jennifer Wendel
9/6/16	Send RTC and revised docket to Local Information Repository(ies)	Cynthia Peterson,	Will need to send overnight, which isn't available in Silverton or on the NN. Won't be able to confirm that the package has arrived prior to publication of the public notice.
9/6/16 <b>(notifications 2 days prior to publication)</b>	Contact Silverton, San Juan, Durango, La Plata	Cynthia Peterson	<b>Phone call</b> and e-mail with press release
	Contact other state and local stakeholders	Cynthia Peterson	Email Use standard stakeholder email list.
	Contact DRMS, BLM, USFS on timing	Johanna Miller, Rob Parker	e-mail with press release
	Contact, Ute Mountain Ute, Southern Ute	Randy Brown	e-mail with press release
	Contact New Mexico, Utah, Navajo Nation	Region 6 & 9 – to notify with Paula Smith and Martin Hestmark contacting	e-mail with press

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		Regional PADs and SF DDs to give them the go ahead	
	Congressional Notification of proposal	Carolyn Levine, OCIR and Chris Wardell /R8 Congressional/Intergo v Liaison	HQ to DC interested congressional offices and committees of jurisdiction. R8 will be responsible for coordination with district offices
	National News Media notification HQ Press Release re: NPL Updates	HQ	
9/7/16 and beyond	Regional News Media Notification and response to media inquiries (follows national release)	Cynthia Peterson/Laura Jenkins/Rich Mylott	Regional Press release and public notice
<b>9/8/16</b>	<b>Notice of listing published in Federal Register</b>	<b>HQ</b>	
Week of 11/14/16	Public meetings to include information about the NPL listing and the Superfund process going forward	Bonita Peak Mining District Site Team	Meetings planned in Silverton, Durango, Ignacio and a location in New Mexico to be determined.